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Date: November 23, 2005

To: MAIL STOP APPEAL BRIEF - PATENTS

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From: Scott M. Garrett - 39,988

Subject: 10/082,006 Confirmation No.: 1901

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MESSAGE: Enclosed herewith, please find:

8 page conforming appeal brief for filing in the appeal of the final rejection of the below-identified application;
1 page transmittal; and
1 page fee transmittal.

EXAMINER:
GROUP ART UNIT:
SERIAL NO.:
FILED:
INVENTOR:

Erika A. Gary
2681
10/082,006
FEBRUARY 23, 2002
CHARBEL KHAWAND

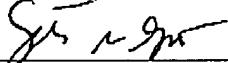
TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in this Submission	10	Attorney Docket Number	CM03418J
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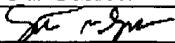
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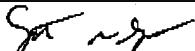
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FEE TRANSMITTAL		RECEIVED CENTRAL FAX CENTER		
Patent fees are subject to annual revision <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Complete if Known Application Number: 10/082,006 Filing Date: February 23, 2002 First Named Inventor: Charbel Khawand Examiner Name: Erika A. Gary Group Art Unit: 2681 Attorney Docket No.: CM03418J		
TOTAL AMOUNT OF PAYMENT (\$ 500.00)				

METHOD OF PAYMENT (check all that apply)					FEE CALCULATION (continued)											
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SUBMITTED BY					Complete if applicable											
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICERECEIVED
CENTRAL FAX CENTER
NOV 23 2005

Before the Board of Patent Appeals and Interferences

Ex Parte:	CHARBEL KHAWAND
Application Number:	10/082,006
Filing Date:	February 23, 2002
Title:	METHOD OF MONITORING A BROADCAST CHANNEL FOR A PAGE AT A MOBILE COMMUNICATION DEVICE
Confirmation No.	1901
Group:	2681
Examiner:	ERIKA A. GARY
Atty Docket No.	CM03418J

BRIEF ON BEHALF OF APPELLANTS UNDER 37 CFR 41.37

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Transmission Date: November 23, 2005

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I. REAL PARTY IN INTEREST

The name of the real party in interest for purposes of this appeal is Motorola, Inc., a Delaware corporation.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to the Applicant, the Applicant's legal representative, or assignee which would directly affect or be directly affected by or having a bearing on the Board's decision in this pending appeal.

III. STATUS OF CLAIMS

Claims 1-7 remain in the application. Claims 1-7 are being appealed. Claims 1-7 stand or fall together. In the final Office Action dated May 23, 2005, claims 1-7 were finally rejected under 35 U.S.C. § 103(a) as being obvious under Wan (US 6,240,288) in view of Sun (US 6,295,311).

IV. STATUS OF AMENDMENTS

A Response after a first Office Action was filed March 10, 2005. Applicant amended independent claim 1 and dependent claim 5 to overcome a rejection based on Wan. A Final Rejection was issued on May 23, 2005 maintaining the rejection of all claims over Wan in view of Sun.

V. SUMMARY OF CLAIMED SUBJECT MATTER

A method of monitoring a broadcast channel (106) at a mobile communication device (102) allows the mobile communication device to conserve stored battery energy by reducing the frequency of instances where the mobile communication device must check the broadcast channel for page alerts. Upon receiving the broadcast signal once (208), the mobile

communication device determines the value of several channel parameters (210). The channel parameter values are then weighted according to their effect on reception quality (212), which results in a signal quality metric (214). The signal quality metric indicates channel integrity. A high channel integrity allows the mobile communication device to wait longer periods of time before next receiving the broadcast channel to check for pages on the assumption that a page is less likely to be missed due to channel errors. Therefore, after the signal quality metric is determined, a time period is selected for when to next receive the broadcast channel (216). FIG. 2 shows an embodiment of the invention, and is described on page 6, line 10 to page 8 line 3.

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Whether Claims 1-7 are patentable under 35 U.S.C. §103(a) over Wan in view of Sun.

VII. ARGUMENT

In response to the first Office Action, Applicant amended claim 1 to include the limitations of “calculating the values of a plurality of channel parameters” and “weighting each of the values of the plurality of channel parameters by applying a scaling factor to provide weighted values.” These limitations were not originally claimed, but were described in the specification at, for example, on page 7, lines 2-10. Wan does not show these limitations, as agreed by Examiner in making the final rejection, as stated with regard to item 2 on page 2 of the final rejection. In making the final rejection, Sun was combined with Wan.

Sun is directed at methods and receiving apparatus for estimating phase of noncoherently detected orthogonal signals. The Final Rejection points to the abstract, FIG. 4, and column 2, lines 56-65 as showing Applicant’s added claim limitations. Sun samples several signals (column 2, lines 22-30) representative of a transmitted signal, and determines [likelihood] values of these signals. Each of these signals represent a phase variation of the signal being transmitted (column 4, line 42-44). The values are determined using a Walsh transformer, the output of which indicates the measure of confidence that the Walsh codeword corresponds to the transmitted signal (column 5, lines 7-13). Accordingly, it can be seen that the teachings of Sun

may be advantageously used in phase estimation for optimally acquiring a transmitted signal. The "values" used in Sun, however, are unrelated to the "parameters" claimed by Applicant, such as, for example, received signal strength, automatic gain settings, and carrier frequency, as described on page 7, lines 3-5 of the application. Thus, Sun does not disclose a "signal quality metric" as claimed by Applicant. The method of Sun could not be used in conjunction with Applicant's claimed invention, but is not a substitute or equivalent thereof.

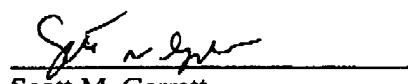
The Final Rejection further states the Sun suggests combining with Wan by disclosing the phase estimation process of generating values from the Walsh transformer. However, Sun does not suggest an equivalent use of those values to the use of channel parameters claimed by Applicant. One may be motivated to combine Sun with Wan for improved phase estimation, but Sun does not suggest quantifying channel parameters in the way Applicant has claimed:

Applicant does not mention or describe phase as a channel parameter, and Sun does not weight received signal strength, automatic gain settings, or frequency because those parameters would have no bearing on phase estimation. Thus, Applicant submits that one of ordinary skill would not be motivated to combine Sun and Wan, but if one did, Applicant's claimed invention would not be realized by such a combination.

Accordingly, Applicant believes claim 1, and therefore claims 2-7, are allowable over Wan in view of Sun.

For the reason set forth above, Applicant submits that claims 1-7 are patentable over Wan and Sun, and request that the Board withdraw the rejection.

Respectfully submitted,
On behalf of Charbel Khawand

by: 
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VIII. CLAIMS APPENDIX

This claim listing reflects amendments made in response to the First Office Action.

1. A method of monitoring a broadcast channel for a page at a mobile communication device, comprising:

receiving a broadcast signal in the broadcast channel to check for the page;

calculating the values of a plurality of channel parameters;

weighting each of the values of the plurality of channel parameters by applying a scaling factor to provide weighted values;

determining a signal quality metric by summing the weighted values;

selecting a time period based on the signal quality metric; and

receiving the broadcast again to check for the page only after the time period has passed.

2. A method of monitoring a broadcast channel as defined in claim 1, further comprising placing the mobile communication device into a low power mode between the selecting and receiving the broadcast signal again, the low power mode being characterized by the mobile communication device having a lower rate of power consumption than when receiving the broadcast signal.

3. A method of monitoring a broadcast channel as defined in claim 1, wherein the signal quality metric is determined, at least in part, by the received signal strength.

4. A method of monitoring a broadcast channel as defined in claim 1, wherein the signal quality metric is determined, at least in part, by an automatic gain control setting of a receiver of the mobile communication device.

5. A method of monitoring a broadcast channel as defined in claim 1, wherein the signal quality metric is determined by weighting at least two channel parameters selected from the group consisting of received signal strength of the broadcast signal, automatic gain control setting of a receiver of the mobile communication device, and a correlation value of the broadcast signal.

6. A method of monitoring a broadcast channel as defined in claim 1, wherein if the signal quality metric is below a preselected threshold, the selecting the time period comprises selecting a default time period.

7. A method of monitoring a broadcast channel as defined in claim 1, wherein the selecting the time period based on the signal quality metric comprises selecting the time period in terms of a number of time slots, the time slots defined by an air interface used by the mobile communication device.

IX. EVIDENCE APPENDIX

No evidence has been submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132, entered by the examiner and relied upon by the appellant in the appeal, or relied upon by the examiner as to grounds of rejection to be reviewed on appeal.

X. RELATED PROCEEDINGS APPENDIX

No decisions have been rendered by a court of the Board in any proceeding identified pursuant to paragraph (c)(1)(ii) of 37 C.F.R. § 41.37.